

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No.2353/07

Unkar Lal

Vs.

Kanhaiya Lal & Ors.

11.04.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri Rajneesh Gupta for petitioner.

The petitioner has challenged the order passed by the District Judge dated 7.2.2007 whereby his appeal against the order dated 8.3.06 passed by the Debt Recovery Officer-cum-Civil Judge (Jr.Division), Gangapurcity was rejected. The claim of the petitioner is that the first court has wrongly rejected his application under Section 6 of the Rajasthan Relief of Agricultural Indebtness Act, 1957 as being time barred. It was submitted that the loan was originally advanced on 10.7.1999. Although the application was filed on 29.7.03, but the limitation has to be counted from the date of last transaction. The petitioner has produced a photo copy of his 'bahi khata' wherein entry was

made with regard to deposit of Rs.500/- by the son of the respondent whose signature is also contained thereon. It is submitted that the said entry gives the date as 25.4.2001 and counting from that date, the application was within the period of limitation. It was argued that the respondent did not specifically deny this fact in the reply.

On perusal of the order passed by the learned first court and the appellate court I find that this argument has been dealt with by both the courts who have not found substantiated on evidence on the ground that neither did the relevant 'bahi khata' had the signature of respondent no.1, nor was any specific date indicated the signature of his son. Though in the entry the date has been indicated as Ashad Sudi 12, Samvat year 2056. The learned District Judge in his order has also found that the first court has rightly analyzed the matter and therefore there was no irregularity.

In my considered view the orders passed by the Courts below do not suffer from any such error so as to warrant interference by this Court in exercise of its writ jurisdiction for issuing a writ of certiorari under Article

227 of the Constitution of India.

The writ petition accordingly stands dismissed.

RS/

(Mohammad Rafiq), J.